

MINUTES OF TOWN BOARD MEETING OF JANUARY 27, 2010

PRESENT:	Supervisor	Teresa Dean
	Council	Edward Fairbrother
		Mike Smith
		David Manchester
		Marcia Hudock
	Town Clerk	Linda Cross
	Attorney	Thomas Bowes

Supervisor Dean called the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

MINUTES

Councilperson Hudock made a motion, seconded by Councilperson Manchester, to approve the minutes of December 30, 2009 as presented. All in favor except, Councilperson Fairbrother abstained.

Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to approve the minutes of January 6, 2010 as presented. All in favor except, Councilperson Smith abstained.

REPORTS

Supervisor Dean stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Justice Court Monthly Report, Assessor's Monthly Report, Department of Public Works Monthly Report, Community Center Monthly Report, Ag & Market Monthly Report, SPCA Monthly Report.

Supervisor Dean gave the following:

- Justice Court bank books and records are ready for audit.
- Community College chargebacks on the tax bills have gone up between 19 – 53%.
- New York State Regulations requires Building Permits for roofing projects fees will be all listed on the website.
- February 5, 2010 will be the first training for Staff regarding Sexual and Workplace Harassment.

CONCERNS OF THE PEOPLE

Don Gaylord, 316 Reasor Hollow Road, questioned who set fees for roofing Building Permits. Supervisor Dean stated, Code Enforcement set the fees.

Dave Crocker, 8 Olcott Road South, requested that the Town Board be frugal with the Town's finances.

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OLD BUSINESS

RESOLUTION NO. 87-10
CONTRACT FOR BASKET WEAVING INSTRUCTOR AMENDED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board approved Resolution No 64-10 for basket weaving Instruction, to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS it is necessary to amend Resolution No. 64-10 to include new baskets and change fees, now

BE IT THEREFORE RESOLVED the Town Board hereby Amends Resolution No. 64-10, for the purpose of teaching and adds the following:

Basket change fees

\$30.00 Blueberry Large
\$18.00 Easter
\$35.00 Penobscot

Baskets to be added

Blanket \$35.00
Biscuit \$28.00
Blueberry Small \$22.00
Bountiful \$32.00
Cathead Muffin \$22.00
Carolina Beach \$35.00
CD Basket \$18.00
Kelly's \$20.00
Judy's small Tote \$32.00
Judy's Large Tote \$35.00
Mail/Glove \$23.00
Porch \$32.00
Spring \$23.00
Twill \$30.00; and

FURTHER RESOLVED said contract is approved in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

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RESOLUTION NO. 88-10
BOARDS AND COMMISSION APPOINTMENTS AMENDED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Town Board amends Resolution No. 40-10 which appointed members to the listed Boards/Commissions with a term as specified, and

WHEREAS the Community Center Advisory Board appointment was not correct and requires an amendment, now

BE IT THEREFORE RESOLVED the Town Board amends Resolution No. 40-10 to correct the appointment of Joseph Piersimoni to the Community Center Advisory Board with a term ending December 31, 2012.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

RESOLUTION NO. 89-10
WAGES SET FOR THE ASSESSOR AMENDED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town Board amends Resolution No 30-10 setting wages for the Town Assessor, now

BE IT THEREFORE RESOLVED that the Town Board set wages for William Torp as Assessor for the Town of Big Flats as a Town employee to be accepted and paid when due, including normal Town benefits listed for full time employee in the Employee Handbook at a salary not-to-exceed \$36,301.00 annually with a term ending September 30, 2013, and

FURTHER RESOLVED the Town Board approves the standard workweek for Mr. Torp as 7 ½ hour day, 4-day workweek during regular Town hours unless specified for additional time as outlined in the NYS Real Property Tax Law.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

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RESOLUTION NO. 90-10
BACKUP AND RESTORE SOFTWARE PURCHASE APPROVED

Resolution by: Dean
Seconded by: Fairbrother

WHEREAS discussion has been made with Marc Chevalier of Cranberry Fog regarding the backup and restoration of Town computers, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA, 6NYCRR Part 617.5 (c)(19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the purchase of 4 additional workstation protections for the Windows XP PC at the rate of \$76.80 per station from CDW-G on state bid at a cost not to exceed \$307.20.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

RESOLUTION NO. 91-10
PART-TIME CUSTODIAN APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that an additional part time custodian be hired for a maximum of 20 hours per week for the Community Center, and

WHEREAS for environmental purposes contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Director of Recreation, hereby appoints Joseph Schichtel as a part-time custodian at the rate of pay of \$8.15 per hour not to exceed 20 hours per week effective January 1, 2010.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 27, 2010

NEW BUSINESS

RESOLUTION NO. 92-10
TRUCK PURCHASE APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Commissioner of Public Works in concurrence with the Highway Department Supervisor recognizes the need to purchase a new truck, and

WHEREAS the purchase of a new Highway Department truck was planned and budgeted by the Town Board for the year 2010, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a 2011 Mack GU 713 Heavy Truck Class 8 and plow equipment as outlined on State Bid Contract #PC62374 for the sum not to exceed \$200,733.80.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith

NAYS:

RESOLUTION NO.93-10
ASSOCIATION OF TOWNS ATTENDANCE APPROVED

Resolution by: Smith

Seconded by: Fairbrother

WHEREAS the Association of Towns will host their annual 2010 Training School & Annual Meeting on February 14-17, 2010 for Town Officers and Government Officials, and

WHEREAS it has been determined by the Town that representatives should attend said meeting, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Marcia Hudock – Town Council to attend the Association of Towns conference with all appropriate expenses, not-to-exceed \$1,200.00, to be paid from the appropriate budgets.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith

NAYS: None

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RESOLUTION NO. 94-10
WILLIAMSON LAW BOOK COMPANY CONTRACT APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town Clerk and Tax Collector currently have the Williamson Law Book Company software, and

WHEREAS said Annual Software Support contract agreement expired on January 1, 2010, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Annual Software Support contract with Williamson Law Book Company at a cost not-to-exceed \$770.00 commencing January 1, 2010 through December 31, 2010.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

RESOLUTION NO. 95-10
SENIOR STRENGTH TRAINING INSTRUCTOR CONTRACT APPROVED

Resolution by: Manchester
Seconded by: Hudock

WHEREAS the Community Center Director has determined and recommended that a Senior Strength Training Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Tonya McGary for the purpose of teaching classes at the cost of \$30.00 for 6 classes or \$6.00 drop-in fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 27, 2010

RESOLUTION NO. 96-10
NIA INSTRUCTOR CONTRACT APPROVED

Resolution by: Fairbrother
Seconded by: Dean

WHEREAS the Community Center Director has determined and recommended that a Nia Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Elizabeth Nalbach for the purpose of teaching Nia classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

RESOLUTION NO. 97-10
“AWARENESS THROUGH MOVEMENT” INSTRUCTOR CONTRACT APPROVED

Resolution by: Dean
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a “Awareness Through Movement” Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Joan Collin for the purpose of Instructing “Awareness through Movement” classes at the cost of 90% of the fees collected at Workshop on January 23, 2010 and 80% of fees collected thereafter in accordance with the terms and conditions of the agreement, resolution effective January 22, 2010.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 27, 2010

RESOLUTION NO. 98-10 2009 ACCOUNT PAYABLES APPROVED

Resolution by: Smith
Seconded by: Hudock

RESOLVE the Town Board approve the following 2009 Account Payables:
GENERAL FUND

Alzheimer's Assoc.	A0000-0615-0000	\$ 30.00
B Beardsley Mgmt & Ent	A1620-0400	\$13,457.85
Judy Zimmerman	A7140-0400	\$ 17.68
CC Soil & Water	A8540-0400	\$ 3,240.00
Chemung Canal Trust Co.	A1490-0400	\$ 148.28
	A7110-0400	\$ 16.18
	A7140-0400	\$ 359.12
	A7310-0400	\$ 735.99
	A1355-0400	\$ 17.51
	A1620-0400	\$ 107.96
	A8020-0400	\$ 259.38
	A8021-0400	\$ 75.95
	A1220-0400	\$ 15.48
	A1410-0400	\$ 249.98
Cintas Corporation	A1620-0400	\$ 65.00
Coca Cola Bottling	A1620-0400	\$ 157.60
Cintas Document Mgmt.	A1460-0400	\$ 45.50
Coyne Textile Services	A7140-0400	\$ 54.68
Foster's Disposal Service	A8160-0400	\$ 158.00
Highway Dept	A7110-0400	\$ 1,134.04
	A8540-0400	\$ 766.11
	A8021-0400	\$ 181.85
	A1355-0400	\$ 76.84
	A8020-0400	\$ 143.92
	A7310-0400	\$ 67.52
Patrick Hutcheson	A7140-0400	\$ 40.00
Interstate Batteries	A7310-0400	\$ 54.95
Jeff's Septic Service	A7110-0400	\$ 130.00
Lowe's	A7310-0200	\$ 469.00
NYSEG Corp.	A5182-0400	\$ 584.73
	A1640-0400	\$ 2,198.97
	A1620-0400	\$ 330.84
	A7140-0400	\$ 1,088.93
	A7310-0400	\$ 362.97
	A6772-0400	\$ 362.97
	A1620-0401	\$ 110.82
	A1110-0400	\$ 565.46
	A7110-0400	205.46

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RESOLUTION NO. 98-10 2009 ACCOUNT PAYABLES, continued

Proforma	A1220-0400	\$ 10.22
Sams's Club	A7140-0400	222.11
	A1620-0400	\$ 33.98
Sign Inn	A7140-0400	\$ 992.00
State Mandated Disability Ins.	A9055.0800	\$ 342.90
Staples	A1490-0400	\$ 233.54
Swift Office Equipment	A7140-0400	\$ 156.28

HIGHWAY FUND

Acorn Tree Service	D5110.0400	\$ 150.00
Applied Industrial	D5130.0400	\$ 110.14
Beam Mack Sales	D5130-0400	\$ 348.90
Bradco Supply Co.	D5130.0400	\$ 185.78
Cargill Inc.	D5142.0400	\$ 7,382.74
Chemung Canal Trust	D5130-0400	\$ 237.67
Champion Fasteners Inc.	D5130.0400	\$ 78.87
Chemung Supply Corp	D5130-0400	\$ 617.10
Chemung Supply Corp.	D5130-0400	\$ 648.00
Cook Brothers	D5130-0400	\$ 925.29
Dalrymple Gravel	D5142.0400	\$ 971.09
	D5142-0400	\$ 1,799.93
Griffith Energy	D5110.0400	\$ 6,800.82
Interstate Batteries	D5130-0400	\$ 29.95
NAPA Auto Parts	D5130.0400	\$ 42.92
Parmenter, Inc.	D5130.0400	\$ 1,122.00
Regional International	D5130.0400	\$ 167.48
State Mandated Disability	D9055-0800	\$ 70.20
Williams Lubricants Inc.	D5130.0400	\$ 870.80

WATER FUND

Blair Supply Corporation	S28340.0400	\$ 325.98
Chemung Canal Trust Co.	S18310-0400	\$ 31.54
	S28310-0400	\$ 31.54
	S38310-0400	\$ 11.53
	S48310-0400	\$ 2.31
	S48320-0400	\$ 32.17
	S18340-0400	\$ 86.13
	S28340-0400	\$ 88.17
	S38340-0400	\$ 31.53
	S48340-0400	\$ 6.30
	S28310-0400	\$ 6.35
	S38310-0400	\$ 6.35
	S38310-0400	\$ 2.32
	S48310-0400	\$.47

MINUTES OF TOWN BOARD MEETING OF JANUARY 27, 2010

RESOLUTION NO. 98-10 2009 ACCOUNT PAYABLES continued

Benchmark Analytics, Inc	S18320-0400	\$ 76.88
	S28320-0400	\$ 76.88
	S38320-0400	\$ 31.13
	S48320-0400	\$ 15.38
Highway Department	S18310.0400	\$ 632.65
	S28310.0400	\$ 632.65
	S38310.0400	\$ 171.45
	S48310.0400	\$ 46.28
Industrial & Domestic	S48320-0400	\$ 148.00
NAPA Auto Parts	S28340-0400	\$ 167.65
Everett J. Prescott	S18340-0400	\$ 82.00
	S28340-0400	\$ 82.00
	S38340-0400	\$ 30.00
	S48340-0400	\$ 5.99
State Mandated Disability Ins	S19055-0800	\$ 13.47
	S29055-0800	\$ 13.47
	S39055-0800	\$ 4.93
	S49044-0800	\$.98
USA Bluebook	S18320-0400	\$ 104.95
STREET LIGHTING		
NYSEG Corp.	SL5182-0400	\$ 708.10
CAPITAL PROJECT #6		
Mancini Assoc.	H61620-0210	\$28,895.49
	H61645-0200	\$16,970.37
CAPITAL PROJECT #8		
Corning Building Com.	H87110-0200	\$ 4,451.14
Wilson Rental Center	H87110-0200	\$ 794.00

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 27, 2010

RESOLUTION NO. 99-10
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Hudock
Seconded by: Manchester

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for January 2010 and account payables, vouchers 9383-9511, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$168,966.38
HIGHWAY FUND	\$ 73,399.37
WATER DISTRICT #1	\$ 12,862.57
WATER DISTRICT #2	\$ 14,420.88
WATER DISTRICT #3	\$ 5,042.82
WATER DISTRICT #4	\$ 1,295.29
CAPITAL PROJECT #6	\$ 45,865.86
CAPITAL PROJECT #8	\$ 5,245.14
STREET LIGHTING	\$ 708.10
TRUST & AGENCY	\$ 431.29

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

RESOLUTION NO. 100-10
VOID CHECK APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS a memorandum was received from the Bookkeeper, dated January 21, 2010 requesting authorization to a void specific check, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check number 7546 payable to Joanne Schucker for \$71.55 dated 06/26/09 for exceeding the six months required cashing period.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 27, 2010

EXECUTIVE SESSION. Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to enter into Executive Session to discuss possible litigation and a particular personnel matter. All in favor, motion carried.

CORRESPONDENCE

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated December 28, 2009, providing rate changes for certain component services effective February 1, 2010.

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated January 1, 2010, providing the Town Board with a list of expiring and added programs.

Financing Document/NYS Environmental Facilities Corporation. A letter was received from Judith Blackwell, Deputy General Counsel, dated December 23, 2009, with Transcripts of Financing Documents indicating semi-annual interest payments.

NIMS Compliance Consultant/Chemung County Office of Fire & Emergency Management. A letter was received on December 23, 2009 from Michael S. Smith, Director of Chemung County Emergency Management, introducing Robert M. Emmick as a Consultant to assist Municipalities with NIMS compliance.

Position Interest/James Rhodes. A letter was received from James Rhodes of 25 River Street in Big Flats, dated January 12, 2010, regarding his interest in a position related to town government.

Property Purchase Offer/Sperry Van Ness. A letter was received from Kevin King of Sperry Van Ness, dated January 12, 2010, regarding purchasing the Post Office property from the Town of Big Flats.

Proposed Bylaw Amendment/International Code Council. A letter was received on January 12, 2010 from Ronald Lynn, President of ICC regarding a Proposed Bylaw Amendment.

Federal Regulations/Chemung County Health Department. A letter was received on January 18, 2010, from the Chemung County Health Department, regarding a new federal regulation GWR that took place on December 1, 2009.

The Town Board entered into Executive Session at 7:37 p.m.

Supervisor Dean reconvened the Town Board meeting at 9:07 p.m.

MINUTES OF TOWN BOARD MEETING OF JANUARY 27, 2010

RESOLUTION NO. 101-10
PURCHASE OFFER AUTHORIZATION APPROVED

Resolution by: Dean
Seconded by: Fairbrother

WHEREAS the Town is interested in purchasing the Swarthout properties, Tax Parcels #66.04-2-23, 66.04-2-24 & 66.04-2-25, and

WHEREAS the Town Board has determined the necessity for a Phase II Environmental Site Assessment of the Swarthout properties, and

WHEREAS prior to conducting a Phase II Environmental Site Assessment the Town Board authorize, the attorney to prepare a purchase offer, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign a purchase offer for the Swarthout properties at a purchase not to exceed \$100,000.00 contingent upon the results of a Phase II Environmental Site Assessment being satisfactory.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

RESOLUTION NO. 102-10
DESIGN PROFESSIONALS AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town is interested in purchasing the Swarthout properties Tax Parcels #66.04-2-23, 66.04-2-24 & 66.04-2-25, and

WHEREAS the Town Board has determined the necessity for a Phase II Environmental Site Assessment of the Swarthout properties, and

WHEREAS the Commissioner of Public Works had solicited quotes from Hillman Environmental Group, LLC; Atlantic Testing Laboratories; and Clark Patterson Lee and hereby recommends the Town board enter into an agreement with Clark Patterson Lee for the purposes of conducted a Phase II Environmental Site Assessment, and

MINUTES OF TOWN BOARD MEETING OF JANUARY 27, 2010

RESOLUTION NO.102-10 CLARK PATTERSON LEE AGREEMENT, continued

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Clark Patterson Lee Design Professionals to complete the necessary Phase II ESA services on the Swarthout Properties at a cost not-to-exceed \$6,400.00.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

Councilperson Hudock made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 9:10 p.m. All in favor, motion carried.

Date approved: _____

Linda Cross
Town Clerk